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SEP 22 1998

CONCORD, N.H.

James J. Barry, Commissioner
N. H. Department of Public Welfare
State House Annex
Concord, New Hampshire

Re: OASI Coverage for Civilian Employees
of the National Guard

Dear Mr. Barry:

House Bill No. 156 authorized OASI coverage for civilian employees of the National Guard by providing that for the purposes of chapter 234, Laws of 1951, certain civilian employees of the National Guard shall be deemed to be employees of the State and a separate coverage group. You have inquired what State official should sign the necessary agreement on behalf of these civilian employees. For the purposes of OASI these civilian employees are State employees and any agreement affecting them should necessarily be signed by the Governor as the chief executive officer of the State. There would seem to be, however, no prohibition against the delegation by him of this authority to The Adjutant General as the appropriate department head.

You further inquire as to what department should be specified in the aforementioned agreement. Once again, as it is employees of the State who are being afforded the coverage, for this limited purpose, it is The State of New Hampshire which is the employer. It is The State of New Hampshire who will be paying the cost of administration even though the share for these employees will be a charge against the appropriation for The Adjutant General. Consequently, The State of New Hampshire should be specified as the employer in the agreement although it would be well to additionally identify the employer as The Adjutant General's Department.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD/aml